

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Xu  
Serial No.: herewith  
Filed: herewith  
For: A MEHTOD AND APPARATUS FOR ASSESSING  
PERFORMANCE OF OPTICAL SYSTEMS  
Art Unit: Not yet assigned  
Examiner: Not yet assigned  
Attorney Docket No.: 30020369 US-02  
Customer No.: 27,623

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

In accordance with applicant's duty of disclosure under 37 C.F.R. §1.56, please find attached hereto form PTO-1449 listing information which may be material to the patentability of this application, being filed concurrently herewith. This Information Disclosure Statement is being filed:

**XXX** Within three (3) months of the filing date of the national application;

\_\_\_\_\_ Within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application;

\_\_\_\_\_ Before the mailing date of a first Office Action on the merits;

\_\_\_\_\_ After the filing date or date of first Office Action, but before the mailing date of a final action under 37 C.F.R. §1.113, provided that this occurs prior to the issuance of a Notice of Allowance and provided that this I.D.S. is accompanied by either a certification as specified in 37 C.F.R. §1.97(e) or the fee set forth in 37 C.F.R. §1.17(p);

After the filing date or date of first Office Action, but before the mailing date of a Notice of Allowance under 37 C.F.R. §1.311, provided that this occurs prior to the final action and provided that this I.D.S. is accompanied by either a certification as specified in 37 C.F.R. §1.97(e) or the fee set forth in 37 C.F.R. §1.17(p);

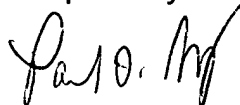
After the mailing date of a final action under 37 C.F.R. §1.113, provided that this occurs prior to the issuance of a Notice of Allowance and provided that this I.D.S. is accompanied by either a certification as specified in 37 C.F.R. §1.97(e), a petition requesting consideration of the I.D.S., and the petition fee set forth in 37 C.F.R. §1.17(i)(1); and

After the mailing date of a Notice of Allowance under 37 C.F.R. §1.311, provided that this occurs prior to the issuance of a final action and provided that this I.D.S. is accompanied by either a certification as specified in 37 C.F.R. §1.97(e), a petition requesting consideration of the I.D.S., and the petition fee set forth in 37 C.F.R. §1.17(l)(1).

Also enclosed are copies of U.S. Patent Nos. 5,325,397, 5,764,651, 6,008,916, 6,069,718 and 6,229,631 and Articles entitled, "Techniques for Accelerated Measurement of Low Bit Error Rates in Computer Data Links," "Margin Measurements in Optical Amplifier Systems," and "Standards Proposal No. 3696 , "Accelerated Measurement of BER and Q-Factor in Digital Optical Transmission System..."

It should be understood that attention has been called to the references that have been deemed to be pertinent to the claimed present invention. In concluding what was pertinent, the criteria employed was considered most appropriate in light of the invention shown in the present application. However, the Examiner or others may deem some other criteria to be just as appropriate or more appropriate. Therefore, the Examiner is respectfully urged to review the listed references and to make the usual careful independent search for other prior art that may be pertinent.

Respectfully submitted,



January 22, 2004

Paul D. Greeley  
Reg. No. 31,019  
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
One Landmark Square, 10th Floor  
Stamford, CT 06901-2682  
(203) 327-4500

<b>FORM PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket Number (Optional)	Application Number
	30020369 US-02	Not yet assigned
	Applicant	
	Xu	
	Filing Date	Group Art Unit
	herewith	Not yet assigned

### U. S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,325,397	6/28/94	Scholz et al.	375	10	
	5,764,651	6/9/98	Bullock et al.	371	5.5	
	6,008,916	12/28/99	Khaleghi	359	110	
	6,069,718	5/30/00	Khaleghi	359	110	
	6,229,631	5/8/01	Sato et al.	359	110	

### FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO

### OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

	Palacharla, P. et al. "Techniques for Accelerated Measurement of Low Bit Error Rates in Computer Data Links," 1995, IEEE.
	Bergano et al. "Margin Measurement in Optical Amplifier Systems," 1993, IEEE.
	Standards Proposal No. 3696, Proposed New Standard "Accelerated Measurement of BER and Q-Factor in Digital Optical Transmission Systems Using the Sinusoidal Interference Method."

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.